

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LUANN THERESA YANNI,

Plaintiff,

vs.

No. 23-cv-0435 DHU/DLM

MARTIN O'MALLEY, Commissioner
of the Social Security Administration,¹

Defendant.

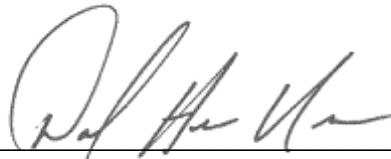
**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition by United States Magistrate Judge Damian Martinez, filed July 29, 2024. (Doc. 43.) The parties have not filed any objections. The Tenth Circuit has held “that a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The failure to make timely objections to the Magistrate Judge’s Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *Id.* at 1059.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 43) are adopted.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Reverse and Remand for Immediate Benefits (Doc. 26) is **GRANTED**.

¹ Mr. O’Malley has been automatically substituted for his predecessor Kilolo Kijakazi as the Defendant in this suit. Fed. R. Civ. P. 25(d).

A handwritten signature in black ink, appearing to read "David H. Urias", is positioned above a horizontal line.

DAVID H. URIAS
UNITED STATES DISTRICT JUDGE